September 27, 2013

Honorable David Chiu, President
San Francisco Board of Supervisors
#1 Dr. Carlton Goodlett Place
San Francisco, CA 94103

RE: Report to the Board of Supervisors
Deemed Approved Uses Ordinance
Ordinance #43-06, February 28, 2006
Signed by the Mayor: March 10, 2006

Dear Supervisor Chiu:

Please find attached the annual report on the conduct of the Deemed Approved Uses Ordinance. This report reviews activities for the period of July 2012 through June 2013.

Each performing department has added a summary of their activities to this report and those sections are clearly marked.

Thank you in advance. I am available to answer any questions about the Department’s role and activities undertaken to date.

Sincerely,

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Cc: Tracey Packer, MPH, Director, Community Health Equity & Promotion Branch
Report to the Board of Supervisors, Fiscal Year July 1, 2012-June 30, 2013. 
Submitted September 2013

Deemed Approved Uses Ordinance (DAO)-San Francisco Administrative Code Chapter 26 
Ordinance #43-06. February 28, 2006 signed by the Mayor: March 10, 2006 
Mayor Edwin M. Lee

Background 
In March 2006, the Board of Supervisors passed an Ordinance, which was signed by former 
Mayor Gavin Newsom to create a "Deemed Approved Uses" program that addresses the role and 
responsibilities of businesses that sell alcohol in off-sale venues in respect to community health 
and safety. This constitutes the 7th annual report to the Board of Supervisors and includes a 
summary of activities undertaken over the last year by each performing Department.

The Deemed Approved Uses Ordinance (DAO) establishes Performance Standards for 
businesses that sell alcohol in off-sale venues. The California Alcohol Beverage Control Board 
(ABC) regulates the sale of alcohol throughout the state and provides licenses to vendors to sell 
alcohol under specific conditions. The San Francisco DAO is based on the county's oversight of 
land use and planning to educate and monitor businesses that sell alcohol in off-sale venues if 
they are found to be in nonconformance to the DAO Performance Standards. Coordination for all 
aspects of the DAO is handled by the San Francisco Department of Public Health in 
collaboration with the other City Agency partners: San Francisco Police Department (SFPD), 
City Attorney, and the Treasurer and Tax Collector.

Summary of Report for Fiscal Year July 1, 2012-June 30, 2013:

Accomplishments: 
San Francisco Department of Public Health: Vendor and Public Education and Outreach 
The DAO Education and Outreach program ensures that vendors receive a visit from DAO staff 
each year. The purpose of the visits is to create a strong working relationship among merchants, 
neighbors, and city government; to provide information and support to vendors on how to 
comply with the DAO, to increase awareness of DAO among neighborhoods, and to strengthen 
community partnerships to promote the health, safety and welfare of the residents of San 
Francisco. Below is a summary of major accomplishments:

- San Francisco Department of Public Health (DPH) conducted 726 Educational Site Visits 
to H73 permit-Type 20 & 21 vendors in San Francisco County to provide education and 
information on the DAO and to determine if Performance Standards and license 
certificate were posted.
- Advised vendors who were not in possession of a current license/certificate and a current 
copy of the Performance Standards about possible consequences for non-compliance; 
provided recommendations to vendors on ways to ensure compliance with Performance 
Standards.
- Maintained a database of findings related to educational site visits including documenting 
whether vendors are in possession of and displaying the current copy of their 
license/certificate and the DAO Performance Standards as certified by the Tax Collector.
- Disseminated educational materials upon request from the public and during educational site visits, San Francisco Police Department (SFPD) Captain’s Precinct meetings, community organizations and neighborhood meetings; and direct contact through emails, phone replies, and one-on-one meetings. Presented on the DAO to 9 of the 10 SFPD Captain Precinct community meetings; reaching a total of 267 people. Due to a change in leadership of the Captain at Northern Station, a presentation could not be scheduled for that precinct.

- Staff coordinated with SFDPH Environmental Health to design two types of density maps of the off-sale stores in the county; one an overview of all the off-sale stores in the county and the other specific to each SFPD precinct. These maps were distributed to 10 precinct Captains and the ALU Team to be used as educational materials by the SFPD. The maps are also used for educational purposes by DPH during community meetings.

San Francisco Police Department - Alcohol Liaison Unit (ALU)
In May 2010 the Chief of Police created a unit called the Alcohol Liaison Unit (ALU). Through ALU, the police department conducts an Alcohol Beverage Control (ABC) inspection called IMPACT (Informed Merchants Preventing Alcohol-Related Crime Tendencies) at off-sale ABC licensed premises. During the FY 2012-2013, the SFPD visited 264 licensed premises. All documentation including any police reports are submitted to the State Department of Alcohol Beverage Control, ABC.

IMPACT Inspections
- 92 Initial Inspections
- 0 Re-Inspections
- 264 Total Inspections
- 20 Decoy Operations
- 264 Premises
- 28 Incident Reports/Criminal Citations Issued

During FY 2012-13 Collaborated with the SFPD-ALU team on the design of a plan to train permit officers from the 10 precincts to conduct IMPACT inspection in FY 2013-14, as a way to build capacity to support SFPD-ALU work on DAO.

City Attorney
During FY 2012-2013 the City Attorney’s activities related to DAO included the following:
- Received and reviewed incident reports from the San Francisco Police Department and based upon that review advised whether further enforcement is appropriate and authorized under the Deemed Approved Ordinance.
- Provided advice to City agencies regarding compliance and enforcement.

Treasurer and Tax Collector:
- For the FY July 2012 thru June 2013, the Tax Collector received $289,169.98 in license fees and $7,260.00 in penalties.
- Grand total collected for FY 2012-13 was $314,643.98.
- Total number of H73 license fee bills and educational materials provided to vendors in FY 2012/2013 was 1,346.
DAO Administrative Activities
Department of Public Health staff is lead on implementing administrative responsibilities and general coordination for DAO. In fiscal 2012-2013 activities included:
- Meeting was held between DPH and the SFPD to strengthen relationship and develop strategies to support their work in the community through the IMPACT program.
- Work with and provide input to the Tax Collector on license consolidation.
- Meetings were held with staff from other DAO City Agencies: Tax Collector's Office and City Attorney as needed to coordinate administration of DAO.
- Upon request by Tax Collector, DPH provides information from the California Alcohol and Beverage Control on specific Type 20 and 21 vendors in San Francisco. As of June 2013, the California Alcohol and Beverage Control no longer issues monthly updates of the status of type 20 and 21 vendors specific to each city and county in California due to state budget cuts.

Plans for FY 2013-2014
In FY 2013-2014, we will continue to implement activities and processes as outlined above, in addition to working with City Agency partners to strengthen education to community and collaboration on DAO implementation.

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San Francisco Department of Public Health September 2013
Deemed Approved Uses Ordinance Annual Report to the Board of Supervisors